

Sixth Appellate District

San Jose, California

MONDAY, SEPTEMBER 18, 2006

H030249 THERESA P., et al. v. SUPERIOR COURT OF MONTEREY COUNTY
By the Court*:

Petitioners' petition for rehearing is denied.

Filed: September 18, 2006

*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and McAdams, J.

H029768 TATE v. FREEHART

The appeal is dismissed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed September 18, 2006

H029703 PEOPLE v. RODRIGUEZ

The judgments are affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed September 18, 2006

H029698 PEOPLE v. MARTIN

The judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed September 18, 2006

H029943 PEOPLE v. COMPO

The judgment is affirmed. (not published)

(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)

Filed September 18, 2006

H028770 WHITE v. SAN JOSE WATER COMPANY

The judgment is affirmed. (not published)

(Duffy, J.; I concur: Mihara, Acting P.J.; I dissent: McAdams, J.)

Filed September 18, 2006

TUESDAY, SEPTEMBER 19, 2006

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Premo, J.; Rushing, P.J.; Elia, J.; and Lanae Brooks, Deputy Clerk.

H028698 PEOPLE v. NICHOLSON

Cause called and argued by Paul Carroll appearing for Appellant and by Arthur Beever, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, September 19, 2006 (continued)

H028876 PEOPLE v. BUENO

Cause called and argued by Jill Kent appearing for Appellant and by Jill Thayer, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H028504 SILVA v. SILVA

Cause called and argued by Dawn Michelle appearing for Appellant and by Vincent J. Kilduf appearing for Respondent. Cause ordered submitted.

H029825 WILDE v. PHOTONICS, INC., et al

Cause called and argued by Margaret M. Schneck appearing for Appellant. No appearances were made on behalf of respondents. Cause ordered submitted.

H028561 LUCAS v. MITCHELL GROUP, INC., et al.

Cause called and argued by Willard P. McCrone appearing for Appellant and by Jonathan C. Battey appearing for Respondent. Cause ordered submitted. The court recesses until the 1:30 p.m. calendar.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and W. Magsaysay, Deputy Clerk.

H028480 CLEARWATER COURT LIMITED PARTNERSHIP, et al. v. McINNIS; PEREZ, et al.

Cause called and argued by Edward Newman appearing for Appellants and by Appellant Richard McInnis appearing in propria persona. Cause ordered submitted.

H029134 McLEROY, et al. v. WESTERN PACIFIC HOUSING, INC., et al.

Cause called and argued by Kael M. Briski appearing for Appellants and by Charles Hansen appearing for Respondents. Cause ordered submitted.

H029797 CITIZENS FOR RESPONSIBLE FOREST MANAGEMENT v. CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION, et al.

Cause called and argued by John Davidson, Deputy Attorney General, appearing for Appellants and by Thomas Lippe appearing for Respondent. Cause ordered submitted. Court adjourns.

Sixth Appellate District

San Jose, California

Tuesday, September 19, 2006 (continued)

H030393 EILEEN C., et al. v. SANTA CLARA COUNTY SUPERIOR COURT;
DFCS

The petitions for writs of mandate are denied. (not
published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed September 19, 2006

H029358 PEOPLE v. ESQUIVEL

The appeal is dismissed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed September 19, 2006

H029549 PEOPLE v. DAVILA

The judgment of conviction is affirmed. (not published)

(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara,
J.)

Filed September 19, 2006

WEDNESDAY, SEPTEMBER 20, 2006

H027562 KAATZ v. CITY OF SEASIDE, et al.

The judgment entered on the order dismissing the second
amended complaint is reversed. (published)

(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)

Filed September 20, 2006

H028911 PEOPLE v. YOUNG, JR.

The judgment is affirmed. (not published)

(Mihara, Acting P.J.; I concur: Duffy, J.; Concurring and
dissenting opinion by: McAdams, J.)

Filed September 20, 2006

THURSDAY, SEPTEMBER 21, 2006

H029044 PEOPLE v. MARTINEZ

The order appealed from is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed September 21, 2006

H029705 PEOPLE v. THORESON

The trial court is directed to amend the abstract of
judgment to allow 170 days conduct credit under Penal Code
section 4019. The judgment is otherwise affirmed. (not
published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed September 21, 2006

Sixth Appellate District

San Jose, California

Thursday, September 21, 2006 (continued)

H028671 PEOPLE v. ROGERS

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed September 21, 2006

H028898 FLORES v. MOUSSA, et al.

The order granting a new trial is affirmed. Respondent shall recover his costs on appeal. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)
Filed September 21, 2006

H029233 BAPTIST, et al. v. ROBINSON, JR.

The judgment in favor of Thomas Fogarty Winery, LLC, is affirmed. (published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)
Filed September 21, 2006

H028649 BURNS, et al. v. CITY OF LOS ALTOS

By the Court*:

Appellant's petition for rehearing and request for publication is denied.

Filed: September 21, 2006

*Before Rushing, P.J., Premo, J. and Elia, J.

H029243 PRESERVE OUR VALLEY, et al., v. COUNTY OF MONTEREY

The judgment is reversed. Costs are awarded to appellants. (not published)
(Mihara, J.; We concur: Rushing, P.J., Elia, J.)
Filed September 21, 2006

FRIDAY, SEPTEMBER 22, 2006

The following case is submitted this date:

H030029 In re EDWARD B.

H029306 PEOPLE v. SOTO

The order denying defendant's motion to vacate judgment pursuant to section 1016.5 is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)
Filed September 22, 2006

Sixth Appellate District

San Jose, California

Friday, September 22, 2006 (continued)

H028819 PEOPLE v. GARNICA

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed September 22, 2006

H026450 PEOPLE v. SIMMONS, JR.

The judgment of conviction is reversed. (published)
(McAdams, J.; We concur: Rushing, P.J., Premo, J.)
Filed September 22, 2006